

CHAPTER VIII.—SETTLEMENT OF DIFFERENCES

(Articles 92–97)

This chapter lays down the procedure to be followed in the event of differences arising between Members of the Organization in regard to matters covered by the Charter. The right of a Member to have recourse to the procedure of this chapter is limited to cases where the complaining Member considers that a benefit accruing to it under the Charter is being nullified or impaired by the action of another Member or the existence of a situation in which another Member is concerned. The remedy available to Members who, it has been determined, are suffering nullification or impairment lies in the power given to the Executive Board and the Conference to release them from certain obligations under the Charter.

The purpose of this provision is solely to enable such injured Members to have their position in relation to the Member causing the nullification or impairment satisfactorily adjusted and is not intended to be used for the application of economic sanctions against that Member. It is contemplated that in certain circumstances, especially where the nullification or impairment is caused by action not in conflict with the Charter, the injured Member may be released from obligations towards Members not involved in any way in the action or situation resulting in the nullification or impairment. The Organization will, of course, have to exercise great care in granting such releases in order to prevent a cumulative series of injuries and consequently of releases from obligations which would stultify the whole purpose of the Organization.

Some chapters of the Charter lay down specific procedures for the settlement of disputes arising in connection with matters dealt with in the chapter concerned. In such cases recourse should be had to those procedures in the first instance before the procedures of Chapter VIII are invoked.

Broadly, the general procedure for settlement of differences laid down in this chapter is as follows :—

- (1) Consultation between Members concerned.
- (2) Consideration by the Executive Board.
- (3) Consideration by the Conference.
- (4) Review of legal aspects by the International Court of Justice.

Article 92 : Reliance on the Procedures of the Charter

In paragraph 1 Members are bound to adopt the procedures laid down in the Charter for the settlement of differences with other Members.

Paragraph 2 requires the Members to abstain from unilateral economic measures (such as sanctions) which are contrary to the provisions of the Charter.